

REMARKS

This Amendment and Response is filed in reply to the Office Action dated July 16, 2002. In this Response, Applicants amend claims 31-40 to correct antecedent basis and form issues, and incorporate features of previously filed claim 39 into claim 31, thereby traversing the Examiner's rejections of claims 31-40. Applicants also provide new claims 41-45, which depend from claim 31, and find support in the specification at least on pages 16-18 and Figures 8-10. Further, support for the amendments can be found throughout the originally filed disclosure as provided herein. Amendments to the claims are not an acquiescence to any of the rejections. Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends. Furthermore, any amendments to the claims are being made solely to expedite prosecution of the instant application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 31-45 are pending in the present application.

The issues of the July 16, 2002 Office Action are presented below with reference to the Office Action.

With regard to the Office Action, paragraph 1: Applicants thank the Examiner for the consideration of the preliminary amendment and the associated claims.

With regard to the Office Action, paragraphs 2-3: Applicants respectfully disagree with Examiner's rejection based on nonstatutory double patenting with regard to Lewis et al., U.S. 6,131,112, particularly in view of Applicants amended claims, and amended independent claim 31 from which all remaining pending claims depend. Specifically, Applicants direct Examiner to amended clauses (d) and (e), which include *providing at least one probable cause file with data based on the forwarded information, and providing an analysis based on ... the at least one probable cause file*. The Lewis et al. '112 claims are not directed towards providing at least one probable cause file based on the forwarded information, and providing an analysis based ... on

the at least one probable cause file. Accordingly, Applicants consider pending independent claim 31 to be patentably distinct from the '112 patent, and traverse Examiner's rejection based on non-statutory double patenting. Because all other claims depend from allowable independent claim 31, Applicants consider pending claims 32-45 to also be allowable.

With regard to the Office Action, paragraphs 4-9: Examiner rejects Applicants' claims 31-33 and 37 based on Gilbert et al. (WO 95/08794) under 35 U.S.C. 102(b). Applicants incorporate the subject matter of previously filed claim 37, which was not rejected by Examiner based on Gilbert et al., into independent claim 31, thereby traversing Examiner's rejection of independent claim 31. Accordingly, Applicants consider independent claim 31 to be allowable, and accordingly, Applicants consider dependent claims 32-45 to also be allowable as depending from an allowable independent claim.

With regard to the Office Action, paragraph 10-17: Examiner rejects Applicants' claims 34-46 and 38-40 based on Gilbert et al. under 35 U.S.C. 103(a), and claims 31-33 and 37 based on Gilbert et al., and Gagne et al. (U.S. 5,473,608), also under 35 U.S.C. 103(a).

Applicants respectfully disagree with Examiner's characterization of the prior art, and with Examiner's assertion that such references can be combined in view of 35 U.S.C. 103(a).

Gilbert et al. provide a management agent system that employs a normalized (third normal form, or 3NF) representation of configuration data to allow different management systems (Fig. 2, 100, 102) to access a common database (Fig. 2, 112) via translators or agents (Fig. 2, 108, 110), where the common database can be read by configuration managers (Fig. 2, 114, 116) to configure the device. The network manager-specific translation agents (108, 110) and normalized database data facilitate shared access to the database that allows the configuration managers (114, 116) to operate based on the single format of the database (112), rather than the different communications protocols, formats, etc., from the different agents. Besides page 6, lines 10-13, where Gilbert et al. state "Each management agent 108, 110 is also able to send messages to its respective network manager 100, 102 whenever significant events occur...", or in other words, when there is a configuration change to the device, Gilbert et al. do not otherwise teach any forwarding of information between the two managers (see Applicants' independent claim 31, feature (c)), and further, there is no teaching of *providing at least one*

probable cause file with data based on the forwarded information, per Applicants' independent claim 31, feature (d). Accordingly, Gilbert et al. thus also cannot teach feature (e) of Applicants' independent claim 31, that includes providing an analysis based on ... the at least one probable cause file.

With regard to Gagne et al., Applicants also respectfully disagree with Examiner's assertion in paragraph 39 of the July 16, 2002 Office Action, that a "distribution unit" is the equivalent of Applicants' probable cause file. In summary, the Gagne et al. distribution unit, which is data communicated between two networks, is not the equivalent of any file, including the Applicants' claimed probable cause file(s).

The Gagne et al. disclosure provides normalized "application interaction with communications channels through a simplified three-verb interface: SEND, RECEIVE, and STATUS" (Col. 2, lines 43-45). In explaining the interaction of networks, the disclosure uses the term "distribution units" to refer to the actual data that is transmitted, which in one case can be the data transmitted from one application on one network machine, to another network machine. Specifically, Applicants direct the Examiner to Col. 3, line 24 through Col. 4, line 5: "...end users typically transfer information or data distribution units between one another." (lines 29-31). The disclosure also provides for "system management distribution units" that includes a priority designation and destination indication of the end user (lines 31-35). Such higher-level distribution units can be added to the initial distribution units to facilitate transmission through the network. At lines 48-52, the "distribution units are then transmitted from the origin communications manager to the adjacent network communications manager with system management distribution units typically being transmitted before any data or information distribution units." See also, the Abstract, which describes how the distribution units can be configured for network protocol stacks. The Gagne et al. system thus provides a system and method for communicating data from one network to another using a common scheme, with distribution units at two levels (system management, and information) to facilitate the transmission of the information across the networks. The distribution units are thus akin to data packets in a proprietary protocol. Distribution units are not the same as Applicants' claimed probable cause files. The Gagne et al. system is thus completely different from Applicants'

claimed method of independent claim 31, and Gagne et al. do not include any equivalent to Applicants' probable cause file.

Applicants thus contend that Examiner has not provided a *prima facie* case of obviousness under 35 U.S.C. 103(a). First, Examiner has not provided motivation to combine the references, where such motivation is in accordance with *In re Sang Su Lee*. While Gagne et al. is directed to providing a common data for device configuration from multiply-formatted inputs, Gilbert et al. is directed to communicating data between two potentially disparate networks. These arts are not related as Examiner suggests in paragraph 11, and hence there is otherwise no motivation provided by Examiner to combine the references. Further, even if such motivation could be found, Examiner has not provided an argument regarding reasonable expectation of success, or to show how the distribution units or data packets of Gagne et al. could be used in Gilbert et al. to provide a system as claimed by Applicants' independent claim 31 that includes probable cause files. Yet further, notwithstanding the aforementioned lack of motivation and success, as provided herein, neither of Gilbert et al. nor Gagne et al. contemplate providing probable cause files based on the forwarded data, per Applicants' independent claim 31.

Applicants accordingly traverse Examiner's rejections of independent claim 31 and consider such claim to be allowable. Because claims 32-45 depend from allowable independent claim 31, Applicants consider such dependent claims to also be allowable.

Conclusion

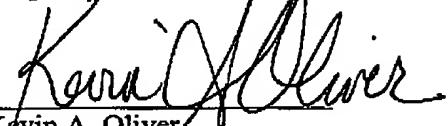
Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

Date: Oct 16, 2002

Foley Hoag LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210

Phone: 617-832-1241
Fax: 617-832-7000

Respectfully submitted,



Kevin A. Oliver
Reg. No. 42,049

MARKED-UP VERSION OF CLAIMS

31. (once amended) A method for managing a communications network, the communications network including a first management system and a second management system, the method comprising[the steps of]:

- (a) maintaining a first set of management information by the first management system;
- (b) maintaining a second set of management information by the second management system;
- (c) forwarding the first set of management information to the second management system; [and,]
- (d) based on the forwarded information, providing at least one probable cause file with data based on the forwarded information, and,
[(d)](e)providing an analysis based on the first and second sets of management information and the at least one probable cause file.

32. (once amended) A[The] method according to claim 31, further comprising sending an event message, in a data format compatible with the second management system, to the second management system.

33. (once amended) A[The] method according to claim 32, wherein the event message is sent when the message relates to an entity managed by the second management system.

34. (once amended) A[The] method according to claim 31, wherein the first management system includes a network management platform and the second management system includes a system management platform.

35. (once amended) A[The] method according to claim 31, wherein [the step of] providing includes [a step of]correlating the first and second sets of management information.

36. (once amended) A[The] method according to claim 31, further comprising [a step of]filtering management information [by]from the first management system.

37. (once amended) A[The] method according to claim 31, further comprising forwarding, in a data format compatible with the second management system, to the second management system.

38. (once amended) A[The] method according to claim 31,[further comprising] where providing an analysis includes at least one of providing an alarm [to a user based on the providing step] and taking corrective action.

39. (once amended) A[The] method according to claim 31, [further comprising maintaining a database of a plurality of probably causes, and, based on the providing step,] where providing an analysis includes displaying at least a part of the at least one [of the plurality of probable causes] probable cause file to a user.

40. (once amended) A[The] method according to claim [39]31, wherein the at least one [probably cause]probable cause file includes text describing an affected network entity and problem.

41. (New) A method according to claim 31, where the at least one probable cause file includes at least one of: a begin event identifier, an event handle, a server handle, a date of reception of message, a text message, a severity, an end event identifier, and an event identifier.

42. (New) A method according to claim 31, where providing at least one probable cause file includes at least one of: selecting one of the at least one probable cause file based on a network entity, and creating a new probable cause file based on a network entity.

43. (New) A method according to claim 31, where providing at least one probable cause file with data includes at least one of: updating the at least one probable cause file, erasing at least part of the at least one probable cause file, clearing at least part of the at least one probable cause file, and creating a new entry in the at least one probable cause file.

44. (New) A method according to claim 31, where the at least one probable cause file is accessible to at least one of the first management system and the second management system.

45. (New) A method according to claim 31, where the second management system includes a network management platform and the first management system includes a system management platform.